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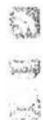
 

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# Springfield Township takes Cheltenham bus company to court

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The ongoing battle between Springfield Township and a bus depot in Oreland rolls on.

After three hours of testimony in the civil suit between Springfield Township and Cheltenham Transportation LLC Aug. 5 at the Montgomery County Courthouse in Norristown, a second hearing was scheduled for Aug. 9.

Springfield Township filed an injunction July 19 against the bus company, which serves the Cheltenham Township School District, to force them to stop work at the nearly 8-acre plot of land at 1725 Walnut Ave., Oreland. The bus company then filed for injunctive relief against the township.

Back in June, the township received complaints from residents about the property concerning the installation of a fence, stone work and storage of buses. At several town hall meetings and township meetings, residents expressed concerns about the bus depot's impact on traffic, and on the environment, since the property is an old EPA superfund site.

Meanwhile, the bus depot company points to the fact that the property is zoned industrial and the use of the site is a permitted use under the Springfield Township Zoning Ordinance, according to the bus depot's civil complaint.

The proposed use for the property, as listed in the township's civil complaint, is school bus parking, storage and fueling.

John A. VanLuvanee of Eastburn and Gray P.C. represented the bus company, while Springfield was represented by township Solicitor James J. Garrity.

Witnesses included bus company president Eric Faust, the township Engineer Mark Eisold and Matthew Malinowski, Cheltenham School District's director of business affairs..

In their opening statements before Judge Bernard Moore, VanLuvanee and Garrity disagreed about whether or not the work at the property constituted formal land development.

The bus depot requested a land development waiver July 8 at a Springfield Township Board of Commissioners meeting, but the township advised them that the request could not be considered until the August or September board meeting. Garrity noted that work at the property continued after the July 8 meeting, which led the township to issue an injunction.

"We believe we have the right to use the property for permitted use, as plain use today, without permits or without land development based on conversation with the township," VanLuvanee said in his opening statement.

VanLuvanee said his client should be permitted to continue operating his business. Faust testified that he had received assurances from Township Manager Don Berger about his plans.

The defendant blamed the township for not telling him what permits were needed, while the township's solicitor pointed to the lease agreement between the bus depot and Tank Car Corporation of America, the landlord, as evidence that it was Faust's responsibility to obtain necessary permits.

The lease states: "Tenant shall be responsible for obtaining any permits or licenses to the extent any are necessary for the Tenant to make use of the Property for the purposes set forth herein."

Faust testified that he provided the township with the lease and gave Springfield a sketch plan of what he intended to do — including bringing trailers and an above-ground fuel tank to the site.

"They never once instructed me until this point ... that any permits were required," Faust said. "They simply let me begin construction."

Both the plaintiff and the defendant focused on issues deemed irrelevant to the other side. Garrity talked about a previous EPA cleanup, while VanLuvanee focused on the contract between Faust and Cheltenham School District.

Garrity emphasized the health, safety and welfare of Springfield residents, taking into account the township's traffic, environmental and storm-water management concerns. He said the impact on the community would be "horrendous" starting on the first day of school when 85 school buses and almost 80 cars would operate at the Oreland site. He also voiced concerns over the bus depot's plans to install stadium-strength lighting.

"The lighting plan indicates it's going to be brighter than Citizen Bank Park," Garrity said.

VanLuvanee, on the other hand, emphasized the time-sensitive nature of the matter, as Cheltenham School District's first day of school is Sept. 3, and students must be driven to school by Faust's business.

Faust said he immediately called the Berger when he received the stop work order from the township. He immediately stopped work on the fuel tank pad and lighting, he said, but told Berger that he would continue to spread stone on the property. Berger replied, "OK, good," according to Faust.

After a township inspector visited the site and asked the bus company to stop spreading stone, Faust said he complied.

"Not a pebble since," Faust said.

Eisold testified that he had concerns about the lighting impact on the residential areas surrounding the site, as well as storm-water issues. Eisold said the existing sediment basin on the property is not meant to be used for a permanent storm-water facility. Eisold also testified that Faust's site plan contained no traffic study or emergency management planning regarding the fuel station on the site.

"The info submitted was very vague in general," Eisold said.

After Eisold testified about the impact on the Oreland community due to the increased intensity of land use, VanLuvanee pointed out that the site had been an EPA cleanup area that housed dangerous chemicals.

Malinowski testified that his district is required to bus 4,100 students within the district, plus 300 other students who attend parochial and charter schools within a 10-mile radius starting this September.

VanLuvanee asked if the district had a contingency plan if Faust's company were not allowed to operate as planned; Malinowski replied no.

Throughout the hearing, Garrity frequently called on Faust to give simple yes or no responses.

"I'd like him to just answer my questions," Garrity said to the judge. "He's clearly using every opportunity to make a speech."

Faust shot back at Garrity more than once, saying the township's injunction was "political posturing."

"As a reactionary measure to the township's residents' concerns seeing the activity, the township became involved all of a sudden for political posturing," Faust said.

The Springfield Township vs. Cheltenham Transportation LLC hearing was scheduled to continue in Norristown Aug. 9 at 1:30 p.m.

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**JimmyWb77** 3 weeks ago

Hey Don Berger, is this true? Hopefully it's not. Hopefully you didn't mess this up for us. People move to Oreland because it's quiet and a nice town. If this goes through, the township is going to have to make part of Oreland Mill Road no parking or else there will be accidents because it's not very wide (past Orlemann going toward Sandy Run CC), and lots of side mirrors will be cracked.

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**av** 2 weeks ago

don't believe a single thing mr. faust says he has been talking out of both ends from the start.

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**Mucketymucks** 3 weeks ago

Can someone explain why Cheltenham cannot house their bus fleet on school property or in their own Township?

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